



MINUTES
AS APPROVED OCTOBER 5, 2005

NEIGHBORHOOD ENHANCEMENT COMMISSION

REGULAR MEETING

Wednesday, September 7, 2005 – 5:30 P.M.
3rd Floor Conference Room
One Civic Center, 7447 Indian School Road

Present: Chairman John Shultz
Vice Chair Patty Badenoch
Commissioner Lisa Haskell
Commissioner John Horwitz
Commissioner Jim Pompe
Commissioner Christine Schild

Absent: Commissioner Dick Kiesell (excused)

Staff Present: Malcolm Hankins, Code Enforcement Manager
Raun Keagy
Joanie Mead

Guests: City Councilman Kevin Osterman
Applicants as noted below

CALL TO ORDER/ROLL CALL

A regular meeting of the Neighborhood Enhancement Commission was called to order at 5:32 p.m. and members were present as stated above.

APPROVAL OF JULY 20, 2005 MEETING MINUTES

Commissioner Pompe noted that the presence of City Councilman Lane should be noted under "Guests" in the minutes of the July 20, 2005 meeting.

COMMISSIONER POMPE MOVED THAT THE AMENDED MINUTES OF THE JULY 20, 2005 MEETING BE APPROVED. SECONDED BY COMMISSIONER HASKELL. THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 6 (SIX) TO 0 (ZERO).

Request from residents of Villa La Playa subdivision for clarification of the Neighborhood Enhancement Commission's determination on July 20, 2005 that subdivisions/neighborhoods within a Property Owners Association fall into the same guidelines as a Homeowners Association for Neighborhood Enhancement Partnership (NEP) funding requests

Ms. Meade outlined the discussion that occurred at the July 20, 2005 meeting, noting that this was the first time a subdivision neighborhood group had requested funding under the umbrella of a property owners association. Staff had presented the issue, rather than the actual case, to the Commission. Staff has since researched the question and information regarding similar situations in other property owners associations was included in Commissioner's packets.

Mr. Jeffrey Masich and Mr. Scott Amonson, residents of Villa La Playa, addressed the meeting. Villa La Playa is at the southern border of McCormick Ranch at Hayden Road and Indian Bend. The neighbors are very concerned with traffic volumes and noise and have organized a Block Watch. Traffic volume has increased significantly in recent years and is expected to increase from the current 19,000 vehicles per day to 33,000 vehicles per day within five to seven years. Villa La Playa is non-HOA as they have no board and cannot assess funds. Property Owners Association fee is assessed for the sole purpose of up-keep on grass. Before and after pictures depicting what they hope to accomplish were presented to the Commission.

Mr. Masich reported that the neighborhood is 28 years old and the changing traffic patterns in the City are encroaching upon it. Everything is done on a volunteer basis. As taxpayers, they would like the Commission to give sympathetic consideration to their cases and other similar cases.

Commissioner Schild asked whether the homes in the Villa La Playa neighborhood pay fees to the McCormick Ranch Property Association that is subject to being raised by a vote of the Board of Directors. Mr. Amonson explained that the extent of McCormick Ranch's involvement is the maintenance of landscaping on a 600-foot section along the south wall.

Commissioner Horowitz recommended that staff consult the City Attorney's office for their opinion. A discussion ensued regarding the differences between a Homeowners Association, a Property Owners Association and a Community Association. Mr. Kaegy recommended consulting with the City Attorney's office for clarification. Chairman Shultz expressed regret that an answer could not be given on the spot and invited the Villa La Playa representatives to return.

Mr. Masich thanked the Commission for the opportunity to present their case. He added that the application had been revised and the neighbors were now prepared to do more of the physical work themselves, renovate only one of the two entrances and do some fundraising.

Presentation and possible Commission action on a Neighborhood Enhancement Partnership Request from Ranch Highlands Estates (NG 2-05)

Margie Karow and Laura Foster appeared on behalf of 72 residents in Ranch Highlands Estates, requesting funds to paint the outside wall and replace and repair signs.

Commissioner Horowitz queried the ownership of the walls. He noted that Scottsdale has a great many walls and expressed concerns as to whether this was setting a precedent. Mr. Kaegy advised that the Neighborhood Enhancement Commission has funded similar requests in the past, but not on such a large scale. He agreed with Commissioner Horowitz's concern about funding available to the Commission.

Commissioner Badenoch asked whether the Applicants would consider reducing the size of their request for funding by scaling down the project and possibly doing some of the work themselves. She noted that schools are applying to the Commission.

The Applicants agreed that if part of the wall on the wash side of the neighborhood was not done and only one sign was repaired, they would save approximately \$2,100. Mr. Kaegy amplified that the Commission had provided funds for walls facing public rights of way in the past.

Chairman Shultz asked about the contributions from homeowners and a discussion ensued regarding funds collected and participation. Commissioner Haskell asked about greater financial participation by more of the neighbors and practical participation. Commissioner Schild asked whether painting a wall was considered routine maintenance.

The Applicants reported that the wall had never been painted and told the Commission of the efforts put into making the application and collecting funds. Commissioner Horowitz suggested telling neighbors that the Commission was prepared to give serious sympathetic consideration to the application, but would like all of the homeowners to participate. Vice-Chair Badenoch concurred, stating that the Commission would like to see greater participation in the project and perhaps some sweat equity.

Commissioner Horowitz suggested tabling the matter until the next Commission meeting, at which time the Applicants could report back on the funding they had collected and the exact amount requested to paint the portion of the wall visible from the public right of way and to repair one sign.

COMMISSIONER HORWITZ MOVED TO TABLE CONSIDERATION OF THE RANCH HIGHLAND ESTATES BEAUTIFICATION PROJECT TO A LATER DATE. THE MOTION WAS SECONDED BY COMMISSIONER SCHILD AND CARRIED UNANIMOUSLY WITH A VOTE OF 6 (SIX) TO 0 (ZERO).

Discussion and possible Commission decision regarding selection of one Commissioner to serve as a representative on the Residential Reinvestment Working Group whose purpose is to update and identify changes in the zoning ordinance that would promote single-family reinvestment

Commissioner Pompe expressed interest in serving in this capacity.

Ms. Mead shared information about the Residential Reinvestment Working Group. Participation is being sought from the Planning Commission, Development Review Board, Housing Board, Neighborhood Enhancement Commission, and the Green Building Advisory Board. She noted that the first meeting date will be later than September 21, which had originally been announced. Ms. Mead undertook to report back to the Commission with more details as they become available. The meetings will be public.

Vice-Chair Badenoch expressed interest in participating. Staff is currently unaware as to whether or not an extra person from the Commission could participate. Chairman Shultz opined that the participation of more than one Commission Member should be welcomed by the organizers of the working group. Upon further discussion and drawing of lots, Commissioner Pompe was randomly selected to serve as a representative.

Presentation and discussion regarding the City's Code Enforcement Efforts

Mr. Hankins made a presentation to the meeting as a follow-up to the March 2, 2005 Commission meeting, wherein Commissioners had given input regarding Code Enforcement. He discussed the highlights of the summary, which was circulated to Commissioners.

Mr. Hankins outlined the expedited policy followed with repeat violators. Court-ordered abatement is being used to a greater extent than in the past, with a high success rate. The department monitors cases where abatement has been pursued to ensure that situations do not reoccur. Mr. Hankins noted that voluntary compliance is faster and preferable to using legal processes. In response to a question from Chair Schultz, Mr. Hankins explained that the City offers help, but many people prefer to do the work themselves.

Mr. Hankins noted that the focus groups had said they wanted to see visible code enforcement out in the field. The key to staying in the field is technology and the group is working with IS to update systems. Proactive scan inspections have been initiated; more ground is therefore covered and the more serious violations are addressed. The entire area south of Indian Bend had been covered in August. Data entry and follow-through is currently in progress. Code Enforcement has moved from relying on

complaints to being more proactive. Staff has been increased in size and three additional senior inspectors and two entry-level inspectors will be hired. Once the entry-level inspectors have been trained, they will work from 10:00 a.m. until 7:00 p.m., as well as weekends, to ensure that extended coverage will be provided.

Commissioners queried the philosophy of the Department. Mr. Hankins noted that respect for privacy and how tough to be are always issues in enforcement. Their work is a balancing act in many respects. For example, the formal process of enforcement through the court system is costly in that inspectors lose time out of the field. It is preferable to build good relations with communities and neighborhoods.

Commissioner Haskell questioned how the enforced rental registration with the County functions. Mr. Hankins explained that the Department has access to the County database and they are addressing the changes that need to be made to make full use of the information.

Expressing frustration with the situation in her neighborhood, Vice-Chair Badenoch noted the presence of dead trees, illegal businesses and situations that continue over a long-term period of time, without resolution. Mr. Hankins explained the intricacies of dealing with vegetation and landscape issues.

Mr. Hankins noted that their work depends on the perception and expectations of citizens. The City has high expectations of the Department. New technology to increase the effectiveness of the inspectors will enable staff to continue to live up to the expectations.

Questions were asked about the role of education. Mr. Hankins noted that a number of problems are caused by repeat violators, so education is not the entire answer. The enforcement process is progressive. Criminal complaint is the last step. Judges need to know that all of the steps have been followed and that the person has been afforded every opportunity to comply.

Vice-Chair Badenoch asked about the issue of front yard parking. Mr. Hankins said they are going to review the ordinance relating to this issue. Mr. Kaegy indicated that staff is planning to present a white paper to Council during the fall. He noted that code enforcement will be the only item on the next Council study session agenda and that tonight's presentation was a preview.

Chair Shultz and the Commission members thanked Mr. Hankins for his presentation.

STAFF AND COMMISSION UPDATES

Ms. Mead noted that the NEC classes for HOAs are scheduled for September 13 and 15. All Commissioners are welcome to attend.

The GAIN kickoff is scheduled for September 14. Four Commissioners have volunteered to staff the booth.

Ms. Mead noted that Commissioner Kiesell's term expires on October 1. A decision on the new Commissioner is expected on October 18th.

Commissioner Horowitz asked Councilman Osterman about the City's efforts to help with relief in the aftermath of Hurricane Katrina. Mr. Osterman said they have loaned some law enforcement personnel to the City of Phoenix, among other things. He added that helping the refugees is going to be a long-term effort and shared some ideas of how the City and Scottsdale residents could help with the relief efforts.

Commissioner Horowitz opined that Scottsdale needs to do something. Councilman Osterman concurred, expressing belief in working quietly behind the scenes. He suggested that the Commission might like to think about ways they could help. Although there are restrictions with regard to financial contributions, there are still many legitimate ways to help.

Councilman Osterman opined that the Neighborhood Enhancement Commission is one of the City's most important Commissions, noting that quality of life is most important and the Neighborhood Enhancement Commission helps to create the first impression of Scottsdale. The Commission deliberates carefully and spends its budget wisely.

Councilman Osterman asked the Commissioners to consider a paradigm shift in their operations and suggested that they consider holding off-site meetings and do outreach in the various neighborhoods. He would like to see the Commission be more proactive in identifying problems and encouraging neighborhoods to fix the problems. The Commission would need a bigger budget to do this on a timely basis.

Commissioner Pompe asked staff what resources they have to gather information on neighborhoods and properties. He offered to help with this project. Commissioner Schild commented that if they could get a listing of non-HOA neighborhoods, Commissioners could work on outreach to those communities.

Councilman Osterman said that he would like to see the Commission undertake some large-scale projects, with a large enough budget that they could work effectively to make an even greater impact on the City. He encouraged them to devise a proposal that could be presented to the other councilors at an appropriate time.

Chairman Shultz thanked Councilman Osterman for his support. He remarked that the Commission has felt that it is time to look at guidelines and that funding issues have been a concern. A discussion ensued regarding possible adjustments to the guidelines.

Commissioner Horowitz commented that the Commission has been able to impact thousands of families each year with its current small budget and noted that it would be great to be able to accept matching donations from corporations.

Commissioner Haskell noted that many residents are unaware of the existence of the programs.

Commissioner Schild commented that she would welcome a consideration of what constitutes an organized neighborhood group. A wider concept of community perhaps encompassing schools, scout groups, and churches might be considered. Councilman Osterman encouraged the Commission to come up with creative ideas to further its work.

NEXT MEETING DATE AND FUTURE AGENDA ITEMS

The next meeting date is October 5th, 2005 at 5:30 p.m.

Possible agenda items include the probable application from Villa La Playa, the revised Ranch Highlands Estates application, and applications from two elementary schools: Yavapai and Pima. Country Estates and Sherwood Heights may also apply.

Chair Shultz indicated that he would be prepared to go before City Council to request additional funds from the contingency fund, if necessary. Commissioner Schild urged that a discussion of revisions to the Commission guidelines be placed on the agenda for the next meeting.

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 7:30 p.m.

Respectfully submitted,
A-V Tronics, Inc.